## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN MILWAUKEE DIVISION

WILLIAM J. FRENCH and	)	
SANDRA M. FRENCH	)	
	)	
Plaintiffs,	)	
	)	Case No. 2:20-cv-01090-BHL
v.	)	Judge Brett H. Ludwig
	)	
THE NORTHWESTERN MUTUAL LIFE	)	
INSURANCE COMPANY and	)	
NORTHWESTERN MUTUAL LONG-TERM	)	
CARE INSURANCE COMPANY	)	
	)	
Defendants.	)	

# DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS

Plaintiffs' Complaint [Dkt. 1] is barred as a matter of law by the filed rate doctrine and otherwise fails to state valid claims against Defendants The Northwestern Mutual Life Insurance Company and Northwestern Long-Term Care Insurance Company. Therefore, Defendants respectfully move this Court for Judgment on the Pleadings under Fed. R. Civ. P. 12(c). In support thereof, Defendants incorporate and submit the accompanying Memorandum of Law.

WHEREFORE, Defendants respectfully requests that this Court grant their motion for judgment on the pleadings, dismiss Plaintiffs' Complaint, and enter judgment in favor of Defendants.

<sup>&</sup>lt;sup>1</sup> Defendant Northwestern Long-Term Care Insurance Company was improperly named in the Complaint as Northwestern Mutual Long-Term Care Insurance Company.

Dated: November 11, 2020

Respectfully submitted,

#### FAEGRE DRINKER BIDDLE & REATH LLP

#### /s/ Steven H. Brogan\_

Timothy J. O'Driscoll, Esq. Nolan B. Tully, Esq. Steven H. Brogan, Esq. One Logan Square Suite 2000 Philadelphia, PA 19103 Telephone: (215) 988-2700

Telephone: (215) 988-2700 Facsimile: (215) 988-2757

timothy.odriscoll@faegredrinker.com nolan.tully@faegredrinker.com steven.brogan@faegredrinker.com

Justin O. Kay, Esq. 191 Wacker Drive Suite 3700 Chicago, Illinois 60606 Telephone: (312) 569-1381

Facsimile: (312) 569-3000

Email: justin.kay@faegredrinker.com

Attorneys for Defendants The Northwestern Mutual Life Insurance Company and Northwestern Long Term Care Insurance Company

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of November, 2020, the foregoing Motion for Judgment on the Pleadings was served upon all counsel of record via the electronic filing system.

/s/ Steven H. Brogan
Steven H. Brogan